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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,449	12/22/2000	Livia Polanyi	106703	8928
25944	7590	08/26/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			PIERRE, MYRIAM	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,449

Applicant(s)

POLANYI ET AL.

Examiner

Myriam Pierre

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-22-2000.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Detailed Action

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 -11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tou (6,002,997) in view of Sameth et al. (5,697,789).

As to claims 1, Tou teaches

selecting a first language of a user, a

second language of instruction for the user and a writing culture (target language and cultural subtleties, column 2, line 25-26 and lines 37-38);

analyzing the second-language document using a theory of discourse analysis

(Examiner reads "syntax and sentence structure" as a theory of discourse analysis, col. 2, lines 24-25);

identifying at least one flaw in the second language document based on writing

culture (translate corrections based on self-correction rule, col. 3, lines 45-48; col. 2, lines 24-29 and 43-48);

However, Tou does not use a display for flaws.

Sameth teaches of displaying contextual relevant remedial information for at least one of the at least one identified flaws (includes error and message utility, col. 8, line 18);

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to use Tou's translation with Sameth's teaching approach that has a display for the learner to have better feedback on the mistakes made when learning a new language.

As to claim 2, Tou teaches the second-language document is analyzed to identify differences with the writing culture (uses LCF2, Linguistic Canonical Forms (LCF, LCF2 are source languages that are rearranged with targeted language's thought process) to translate a Chinese phrase into an English phrase, the English phrase is the second-language document and is used to find out the difference in writing culture, col. 2, lines 54-59 and col. 3, lines 15-20);

As to claim 3, Tou teaches flaws in the second-language document are identified based on the writing culture and previously identified flaws for documents written in the second language of the selected writing culture when written by first-language writers (raw translation goes through editing using grammar and self-correction rules, col. 3, lines 36-39, col. 4, lines 53-55, and col. 1, lines 24-29);

As to claim 4, Tou teaches flaws in the second-language document are identified based on differences with the selected writing culture and similarity to at least one previously-

identified flaw for documents written in the second language and on the selected writing culture when written by first language writers (uses LCF and LCF2 to refine the corrections in translating from source to target language, col.3, line 40-49; col. 4, lines 53-55);

As to claim 5, Tou teaches the remedial information is a structural representation of discourse for at least one of the first-language writing culture, the second-language writing culture and the at least one previously-identified flaw (uses syntax as structural rep of discourse for first language culture and determines flaws based on predetermined mistakes made in translation, Fig 1 with col. 2, lines 24-27, col. 3 lines 13-20, and col. 6, lines 17-20);

As to claim 6, Tou teaches using
an input device (machine for translation, col. 1, lines 14-16);
an analyzing circuit routine or manager (machine uses analyzing circuit, col. 1, lines 14-16) and a memory (machine has memory, col. 1, lines 14-16);

Tou and Sameth does not teach a linguistic flaw memory;

Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of invention to store the detected linguistic flaws in the memory for future evaluation.

The rest of the limitations of claim 6 are rejected for reasons given in rejecting claim 1, above.

Claims 7 and 8 recite same or similar limitations as 2 and 3, rejected above, and so claims 7 and 8 are rejected for the same reasons.

As to Claim 9, Tou teaches of using a machine that translates languages (col. 1, lines 14-16).

The rest of the limitations of claim 9 recite the same or similar limitations as claim 5, rejected above, and so claim 9 is rejected for the same reason as above.

Claim 11 recites the same or similar limitations as claims 1 and 6, rejected above, and so claim 11 is rejected for the same reasons.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

Tou (5,384,702) teaches of a machine translation where un-grammatical sentences are corrected using grammar and self-correction rules.

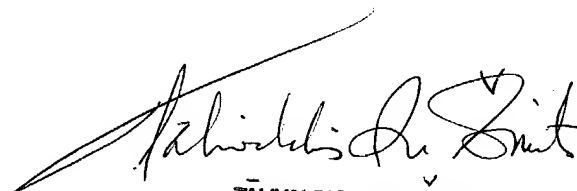
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 703-605-1196. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MP

08/16/2004



TALIVALDIS NARS SMITS
PRIMARY EXAMINER